

RAVALLI COUNTY
ZONING REGULATIONS

Prepared and adapted from these documents:

The Ravalli County Growth Policy.

Ravalli County Interim Zoning Regulations - Large Scale Retail Sales and Retail Services Establishments.

Montana Dept of Commerce: "A Model Municipal Zoning Ordinance."

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RAVALLI COUNTY ZONING REGULATIONS

SECTION 1. PURPOSE AND INTRODUCTION

In contrast to the Ravalli County Growth Policy Countywide zoning is regulatory in nature. These regulations are a major tool to be used in County land use planning. They are authorized by state statutes (MCA 76-2) and provide the local government a means to plan for and manage growth in Ravalli County. They are in compliance with the Growth Policy and are based upon Constitutional authority.

All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

Article II, Section 3, Montana Constitution.

The state and each person shall maintain and improve a clean and helpful environment in Montana for present and future generation.

Article IX, Section 1, Montana Constitution.

These statements serve not only as the primary foundation for the Ravalli County Growth Policy but they provide the County Government with the authority, along with the statutes, for zoning regulations to manage and plan for County growth.

1.1 SCOPE

The Ravalli County Growth Policy created a comprehensive set of long-range goals and goal related policies to guide future growth and development. It provides an increased level of predictability to land owners, neighbors and developers about where and how growth can be accommodated. Countywide zoning regulations defines where growth should occur, outlines zoning districts, establishes categories of appropriate land use, prescribes densities of residential and other units and provides, as required by law, a commission to handle matters of administration, counsel and appeals.

The zoning regulations as presented here is a regulatory document but it must recognize and respect individual private property rights. Consistent with federal and state constitutional protections, it does not support any public taking without due process of law.

The County zoning regulations have been prepared to be consistent with, and meet the requirements of, Montana statutes relevant to planning, existent land use and subdivision regulations.

SECTION 2. COMPONENTS OF ZONING REGULATIONS

A. Traditional Zoning

Traditional zoning is the legal method by which the Ravalli County Government can divide the County into use districts (zones), restrict the use of land in the various zones, and impose requirements that the permitted uses must meet. Zoning regulations prevent problems by separating incompatible uses, and foster a good quality and character of development by requiring land uses to meet standards that protect both public and private property owners.

There are two components in traditional zoning, the zoning regulations or text and the zoning map.

B. Zoning Map

Because traditional zoning regulates the location of uses, the zoning map, showing the precise boundaries of each use zone, is an essential part of these zoning regulations. The zoning map is based upon the descriptions of current and planned land use, the density of residential housing units, locations of commercial and mixed businesses, access roadways, locations of agricultural lands, wetlands and wildlife areas and floodplains. As shown on the zoning map there are boundary lines outlining assigned use which are enumerated as zoning districts or zones.

C. Zoning Commission

As required by state law (76-2-220) the Ravalli County Board of County Commissioners shall appoint a Zoning Commission. The functions of the Zoning Commission shall include considerations for amending the Zoning Regulations and the Zoning Map. Such a commission shall be composed of at least five members. It may hold public meetings and make recommendations to the county commissioners. This commission shall be dedicated to maintain the intent of countywide zoning as a growth planning tool in accordance with the Ravalli County Growth Policy.

D. Zoning Board of Adjustment

As required by state law (76-2-221) the Ravalli County Board of Commissioners shall provide for the appointment of a board of adjustment which will operate as the governing body when the zoning regulations and the zoning map are adopted. The Board of Adjustment will hear appeals regarding the Zoning Resolution and Zoning Map, make special exceptions to the Zoning Resolution in harmony with its general purposes and intents.

ARTICLE I. ADMINISTRATION AND ENFORCEMENT

SECTION 1. TITLE

This resolution shall be known and cited as the "ZONING RESOLUTION OF RAVALLI COUNTY, MONTANA."

SECTION 2. AUTHORITY

This resolution is adopted under the authority of state statutes (MCA 76-2).

SECTION 3. PURPOSE

- A. The purpose of this ZONING RESOLUTION is to promulgate and adopt such regulations that:
1. Are designed in accordance with the Ravalli County Growth Policy.
 2. Are designed to lessen congestion on the roadways.
 3. Will secure safety from fire, panic and other dangers.
 4. Will promote health and the general welfare.
 5. Will prevent the overcrowding of land.
 6. Will contribute to the preservation of open space.
 7. Will contribute to the preservation of working farms and ranches.
 8. Will avoid undue concentration of population.
 9. Will facilitate the adequate provision of transportation, water, sewerage, schools, parks and such other public requirements.
 10. Give reasonable consideration to the character of Ravalli County
 11. Give reasonable consideration the County's peculiar suitability for particular uses.
 12. Will encourage the most appropriate uses for land throughout the County.
- B. Further, the intent of this ZONING RESOLUTION is to:
1. Insure that the land uses of Ravalli County are properly situated to one another, proving adequate space for each type of development, and preventing problems with incompatible uses.
 2. Control the density of development in each area of the County so that property can adequately serviced by such public facilities as roads, schools, recreation and utility systems.
 3. Direct new growth in appropriate areas.
 4. Improve the quality of the physical environment of the County.
 5. Protect and maintain property values.
 6. Preserve and develop the economic base of the County.
 7. Encourage the development of affordable housing.

SECTION 4. INCORPORATION OF OFFICIAL ZONING MAP

A. Official Zoning Map a part of the Zoning Resolution.

The "Official Zoning Map of Ravalli County, Montana," and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this Resolution.

B. Maintaining and Changing the Official Zoning Map.

1. The Official Zoning Map shall be kept in the Administration Building of Ravalli County, and shall be the final authority as to the current status of zoning districts in Ravalli County.
2. The Official Zoning Map shall bear the signature of the Chairman of the Ravalli County Board of Commissioners, attested by the County Clerk and Recorder and the date of adoption of this Resolution.
3. The Official Zoning Map shall bear the seal of Ravalli County under the words, "This is to certify that this is the Official Zoning Map of Ravalli County, Montana, referred to in Section of Resolution Number of Ravalli County, Montana."
4. Whenever any changes are made to district boundaries in accordance with the procedures of this Resolution, those changes approved by the Board of County Commissioners shall be promptly entered on the Official Zoning Map, and a signed and dated certification attached to the map. No amendment to district boundaries shall become effective until those changes are presented to the Board of County Commissioners by the Zoning Board of Adjustment and a public hearing, if deemed necessary by the Board of County Commissioners, is held. If a public hearing is called there must be public notice of at least 15 days before the hearing. If the Board of County Commissioners approves the changes, the changes shall be entered on the Official Zoning Map.
5. No changes of any nature shall be made to the Official Zoning Map except in conformity with the procedures specified in this Resolution.
6. A copy of the Official Zoning Map, duly certified by the Chairman of the Board of Adjustment, shall be filed in the office of the Ravalli County Clerk and Recorder.

C. Loss, damage, or destruction of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the Ravalli County Board of Commissioners may by resolution Adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map correct drafting or other errors or omissions in the prior Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new map shall be certified in the same manner as the original Official Zoning Map, noting that it supercedes the prior Map.

SECTION 5. DEFINITIONS

A. Interpretation of certain words.

For the purposes of this Resolution the following conditions and interpretations apply:

1. Words used in the present tense include the future tense.
2. Words used in the singular tense include the plural; words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
3. The word "person" includes a firm, association, corporation, trust, organization, partnership or company, as well as an individual.
4. The word "lot" includes the words "parcel" or "tract."
5. The word "shall" is mandatory; the word "may" is permissive.

B. The following terms used in this Resolution mean:

ACCESSORY STRUCTURE OR USE. The use or structure on the same lot with, and customarily secondary or subordinate to, the principal use structure.

AFFORDABLE HOUSING. Housing which has a sales price or rent within the means of a low or moderate income household as defined by local, state or federal legislation. The typical "means threshold" is 30% of medial household income for housing costs, including utilities.

AGRICULTURE. Use of land for grazing and cropping to produce food, animal feed, and fiber commodities. This includes cultivation and tillage of the soil, dairying, growing and harvesting of agricultural, forest products and horticultural commodities, and the raising of livestock, bees, fur-bearing animals and poultry.

AGRICULTURAL LAND, PRIME. Land used actively in the production of food, fiber or livestock; listed as Prime Farmland Soils in the Natural Resources Conservation Service (NRCS) soil survey.

AGRICULTURAL WATER USER FACILITIES. Facilities that provide water for agricultural land or that provide water for the production of agricultural products including, but limited to ditches, canals, pipes and head gates.

AGRICULTURAL ZONING DISTRICT. A zoning district established to protect agriculture from negative impacts of adjoining development, while meeting all legal requirements for creation of a district.

AIR QUALITY. A measure of current air character in a geographic area in which levels of all criteria air pollutants meet the health-based primary standard (national ambient air quality

standard as defined by EPA) for the pollutant.

BUFFER OR BUFFER STRIP. Open spaces, landscaping, berms, or any combination used to physically separate or screen one land use property from another so to shield noise, unwanted light or other nuisances.

BUILDING. Any structure erected for support, shelter or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT. The vertical distance from the highest point of a structure to the finished grade of the ground.

CARETAKER'S RESIDENCE. A single family dwelling located in conjunction with a residential, commercial or industrial land use that requires 24 hour care in order to protect or operate the use.

CAPITAL FACILITIES. Land and structures used by the public including fire stations, parks, schools, etc., also called public facilities.

CLUSTER DEVELOPMENT. Generally, a land development that concentrates buildings on a portion of a site in order to leave the remainder undeveloped and usable for agriculture, open space and/or natural resource protection.

COMPATIBLE USE. Capable of existing together in harmony and/or avoidance of nuisance, noise, viewing or other impacts.

CONDITIONAL USE. A use that is allowed in a specific district if the use meets certain requirements in order to maintain and assure the health and safety of the community and to maintain the character of the district

COVENANT. A written contract between private parties attached in the deed to a property. Often referred to as "restrictive covenant;" a covenant places restriction on the use of a lot or parcel of land, is binding on subsequent owners, and is enforced by the landowners involved.

DEVELOPMENT. The process of improving land, subdividing land, or building structures on land for human use.

DEVELOPMENT RIGHTS. The right to develop property, which may be sold, dedicated or transferred. Under transfer of development rights programs, the property owner may keep title to the property after development rights have been transferred and may continue to use the land for non-conforming purposes such as agriculture.

DISTRICT, ZONING. A geographical area designated in the zoning Resolution and delineated on the zoning map for which requirements for the use of land and structures and development standards are prescribed.

DWELLING. A building or portion thereof used for occupancy by one or more families.

DWELLING UNIT. A building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family.

EASEMENT. The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

FLOODPLAIN. The area generally adjoining a stream that would be covered by water of a flood event, except for designated shallow flooding areas that receive less than one foot of water per occurrence.

GRADE. The point of elevation of the finished surface of ground at the exterior wall of the building.

LIVESTOCK. Horses, cattle, sheep, goats, swine, donkeys and other animals raised as domesticated animals.

LIGHT POLLUTION. Usually defined as "unwanted" light that illuminates the night sky as a result of outdoor unshielded light fixtures.

LOCAL SERVICES. Public services or facilities that local government is authorized to provide, including water supply and sewage treatment facilities, law enforcement, fire protection, emergency services, public health services, educational and transportation systems.

LOT. A parcel or tract of land shown as an individual unit of ownership on a certificate of survey, subdivision plat, deed or other instrument of record.

MITIGATION. Measures taken to eliminate or minimize impacts of development activities.

MOBILE HOME. A detached residential dwelling unit fabricated at a factory, not in accordance with the standards of the Uniform Building Code, and designed for transportation on its own chassis to a building site for occupation as a dwelling with or without permanent foundation. This includes "manufactured home, a unit built after July 1, 1976, and conforming to the 1976 HUD Code."

MODULAR HOME. A dwelling constructed at a factory in accordance with the Uniform Building Code applicable to site-built homes, and transported to the site for final assembly on a permanent foundation.

OPEN LAND. Privately owned undeveloped land that is free of housing or commercial development; land that is not excessively encumbered with human structures.

OPEN SPACE. Public land; County, State, or Federal land or water of any size that is free of development, clutter or congestion; public land that is not excessively encumbered with human structures.

PROPERTY RIGHTS, PRIVATE. *“Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a ‘personal’ right, whether the ‘property’ in question is a welfare check a home or a savings account. In fact a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other. That rights in property are basic civil rights has long been recognized.” U.S. Supreme Court, *Lynch v. Household Corp.*, 405 US 538, 552 (1972).*

PUBLIC HEALTH AND SAFETY. A condition of optimal well being, free from danger, risk or injury, for a community at large, or for all people, nor merely for the welfare of a specific individual or a small class of persons. (Montana's Growth Policy Resource Book.)

RIPAIAN AREAS. Land that is traversed or bounded by a natural watercourse (river, stream, lake) that includes the vegetative areas that are dependent on the water. A watercourse may be seasonal or intermittent.

SETBACK. The horizontal distance between the property line, or other feature (such as a high water line) and any structure.

SIGN. Any lettered or pictorial device or structure designed to inform or attract attention.

STRIP DEVELOPMENT. Continuous linear commercial development along a highway with a series of individual accesses and inefficient use of land and parking. This creates congestion and safety problems and limits highway traffic capacity.

SUBDIVIDED LAND. Land that has been divided under the Ravalli County Subdivision Regulations into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed.

STRUCTURE. That which is constructed or erected at a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include buildings, manufactured homes, walls, fences, billboards or signs.

VOLUNTARY ZONING DISTRICT (VZD). A zoning district adopted pursuant to 76-2-101, MCA. Initiated by petition pursuant to State Regulations typically described as "voluntary zoning." VZDs are regulatory and require that a perimeter of the district be established and that a development pattern for the district be adopted. They focus on land use and the design and intensity of development. The standards set forth in a VSD can be enforced.

SUBDIVISION. Generally the division into two or lots, parcels or plats for the purpose of sale, lease or development.

VARIANCE. The approved relaxation of the strict application of the terms of these regulations, where owing to special conditions a literal enforcement of the provisions of these regulations will result in an unnecessary hardship, where it will not be contrary to the public interest, and

where the spirit of the Resolution will be observed and substantial justice done.

WETLAND. The land transition between water and land systems where the water table is usually at or near the surface, or the land is covered by shallow water, including swamps, marshes, bogs, riparian areas and vernal pools.

WILDLIFE. Animals, including mammals, birds reptiles and fish, that exist in their natural environment. Domesticated animals are excluded.

WILDLIFE HABITAT. Areas containing physical or biological features essential to wildlife for breeding, nesting, rearing and/or winter feeding and forage.

ZONING DISTRICT. A zoning district adopted pursuant to MCA 76-2-201 through 76-2-228. Under this portion of the statute, the Board of County Commissioners may by resolution establish zoning districts and regulations for all or part of the jurisdictional area. Zoning regulations must be made in accordance with the Ravalli County Growth Policy.

SECTION 6. ZONING COMMISSION; RESPONSIBILITIES

The Board of County Commissioners shall establish a Zoning Commission and appoint members to the Commission. The Zoning Commission responsibilities include the following.

1. The Zoning Commission shall review requests for variances and exceptions. It may grant variances and exceptions where the Commission determines that (1) the variance or exception will not be contrary to the public interest, (2) owing to special conditions a literal enforcement of these regulations will result in unnecessary hardship, and (3) where the spirit of the Resolution will be observed and substantial justice done. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties, or consequences of actions of the property owner are not "hardships" for zoning purposes.
2. The Zoning Commission will hold public meetings, with proper notice, on any proposed substantial change to the Zoning Regulations or the Zoning Map. Proposed changes can be made by the public by providing documentation to support the changes.
3. The Zoning Commission will recommend changes to the Zoning Regulations or the Zoning Map to the Board of County Commissioners. There must be public notice of changes adopted to the Zoning Regulations and the Zoning Map.
4. Minutes of the Zoning Commission meetings will be kept on file in the office of the Board of Ravalli County Commissioners. Notice of the Zoning Commission meetings will be announced on the public calendar.

SECTION 7. PERMIT REQUIRED; PERMIT OFFICER; DUTIES

A. Zoning Permit.

A Zoning Permit must be obtained from the Permit Officer before any building, structure or land may be used or occupied, or before any building or structure permitted under these Regulations may be erected, placed, moved, expanded or structurally altered. A Zoning Permit may be issued only when the proposed building, structure, parcel or use will meet the requirements of these Zoning Regulations.

B. Conditional Use Permit.

A Conditional Use Permit must be obtained before those uses specified as Conditional Uses within certain zoning districts may be established. A Conditional Use Permit may be issued only when the proposed use will meet both the requirements of the particular district involved and the conditions specified for the use.

C. Permit Officer.

The Board of County Commissioners shall designate the Planning Director, or his/her designee, as the Permit Officer to administer and enforce these Regulations. Duties include the following.

1. The Permit Officer shall receive applications for permits and variance requests; review applications and plans; issue permits; receive violation complaints; and conduct inspection of premises and properties.
2. If provisions of these Zoning Regulations are violated, the Permit Officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal uses, buildings or structures or of illegal additions, alterations, or structural changes; or shall take any other action authorized by these Regulations to ensure compliance with or to prevent violation of these provisions.
3. The Permit Officer shall serve as an advisor to the Board of Adjustment and the Board of County Commissioners on matters relating to the Zoning Regulations; prepare staff reports as required; and prepare and maintain records of all proceedings required or authorized under these Regulations.

SECTION 8. PROCEDURES FOR APPLICATION, REVIEWING AND GRANTING PERMITS

A. Procedures for Applying for a Zoning Permit.

1. A Zoning Permit must be obtained from the Permit Officer before any building, other structure, or land may be used or occupied, or before any building or other structure permitted under these Regulations may be erected, placed, moved, expanded, or structurally altered. The Permit Officer may issue a Zoning Permit only when the

proposed building, structure, parcel or use will meet the requirements of these Zoning Regulations.

2. Before conducting a use, or constructing, erecting, expanding, altering or modifying a building or structure, a person must submit a completed application form to the Permit Officer, with all the required information, including plans drawn to scale, showing the actual dimensions and shape of the lot or lots, the exact sizes and location of existing and proposed buildings and other structures. The application shall include such other information as may be required by the Permit Officer, including uses of buildings and land, the number of families, dwelling units, or rental units proposed; conditions existing on the lot or lots; and such other matters as may be necessary to determine conformance with these Regulations.

B. Reviewing and Issuing a Zoning Permit.

1. The Permit Officer shall review the application to ensure the required information is submitted and complete. When the application and submitted information are complete, the Permit Officer shall determine whether the proposed building or buildings, structure, alteration, use is permitted at the proposed location, and whether the proposal will comply with the requirements of the applicable district and these Regulations.
2. Should the Permit Officer find that the proposal is permitted in the applicable district and will conform to all requirements, he shall issue the applicant a Zoning Permit.
3. Should the Permit Officer find that the proposal either is not permitted in the applicable district or will not conform to all requirements of these Regulations, he shall deny the applications and state in writing that the application is denied and explain the reasons for denial. The statement accompanied by one copy of the application shall be sent to the applicant.
4. Construction, installation, alteration, placement or use must comply with the plans approved by the Permit Officer.
5. A Zoning Permit shall be in effect for one year from the date of approval.

SECTION 9. CONDITIONAL USE PERMITS; EXCEPTIONS

A. Purpose

The purpose of conditional use permits is to provide for specific uses, other than those specifically permitted in each district, which may be appropriate in the district under certain safeguards or conditions. The conditional use permitting process is intended to provide a detailed and comprehensive review of proposed developments that potentially could have significant adverse impacts on the community.

B. Conditional Uses; Requirements

1. No structure or land may be used for any purpose in any district where the use is not permitted, unless the land is listed as a conditional use within that district and the approval, for the use is obtained through these procedures.
2. Conditional uses and the required conditions are listed as part of the requirements for each district.
3. A special exception is not a part of the conditional use permit. The Board of Adjustment must meet to decide on a special exception in a public meeting. Under Montana law the notice of the meeting must be published and the public allowed to comment. Four members of the Board must vote in favor of issuing a special exception. To grant a special exception the Board need not find that the proposal will comply with the conditions and criteria specified in the Zoning Regulations.
4. Conditional uses also must comply with any additional conditions prescribed by the Permit Officer relating to the following.
 - a. Adequate ingress and egress to property and proposed structures with particular concern for automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
 - b. Adequate off-street parking and loading areas, where required, with particular attention to access, traffic flow and vehicular and pedestrian safety.
 - c. Location of garbage containers and garbage pickup with respect to traffic flow and access, odor, and vehicular and pedestrian safety.
 - d. Availability and compatibility of utilities in suitable locations.
 - e. Adequate screening and buffering, with attention to type, dimensions, and character.
 - f. Signs, with attention to preventing glare and promoting traffic safety and harmony with adjacent properties.
 - g. Required yards and open space.
 - h. General compatibility with adjacent and other properties.

C. Procedures for a Conditional Use Permit

The following procedures must be followed before the Zoning Commission may grant a Conditional Use Permit.

1. The applicant must submit an accurate and complete written application for a conditional use to the Zoning Commission through the Permit Officer. All applications for

conditional use permits must be accompanied by plans drawn to approximate scale, showing the approximate dimensions and shape of the lot or lots to be built upon; the approximate sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed buildings or alterations; and information which clearly states how the use will be met.

2. The application must include any other information as may be required by the Permit Officer, including descriptions of proposed buildings and alterations; existing or proposed uses of land and buildings; the number of families, dwelling units, or rental unit's the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of these Zoning Regulations.
3. Notice shall be published at least seven days in advance of a public hearing before the Zoning Commission. The owner of the property for which a conditional use is sought or his agent shall be notified of the hearing by mail.
4. At the public hearing any party may appear in person, or through an agent or attorney.
5. Before granting a conditional use permit, the Zoning Commission shall make a written finding that the proposed use will comply with the specific conditions governing the use and the other requirements of these Regulations, and that the conditional use will not adversely affect the character of the district.
6. Where the proposed conditional use is a subject to review as a subdivision under Montana Subdivision and Platting Act (76-3-101 et seq., MCA) the Zoning Commission and Planning Board shall hold joint and concurrent review, including a joint public hearing(s). Notice of each hearing shall be given in the manner prescribed by these Regulations and Ravalli County Subdivision Regulations.

SECTION 10. BOARD OF ADJUSTMENT

A. Board of Adjustment Established.

A Board of Adjustment (herein after referred to as "the Board") must be established by the Ravalli County Board of Commissioners in accordance with MCA 76-2-321 through 76-2-328. The Commissioners shall appoint five (5) members to the Board each for a term of two (2) years, except that in the initial appointment two (2) members shall be appointed for a term of one (1) year, and three (3) members for a term of two (2) years. Terms shall expire June 30 of the relevant year. Members shall be entitled to reimbursement of necessary mileage and expenses approved by the County Commissioners, but shall not be entitled to per diem or salary. Members of the Board may be removed from office by the Commissioners for cause upon written charges and after a public hearing. Vacancies on the Board shall be filled by resolution of the Commissioners for the unexpired term of the member affected.

B. Legality.

The Board of Adjustment may include members who sit on the Zoning Commission, but not more than two (2) at any time. The Board is a quasi-judicial body that acts on appeals of administrative decision and on variances and exceptions from the requirements. This “judicial” function is best performed by independent individuals who did not help draft the Zoning Regulations, however persons from the Zoning Commission or Planning Board would help provide continuity of rationale for the regulations and need not undermine judgment.

C. Powers of the Board of Adjustment.

The Board shall have the following powers.

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of these Regulations.
2. To grant variances or exceptions from the standards of these Regulations where the Board determines (1) That granting the variance or exception will not be contrary to the public interest, (2) where owing to special conditions a literal enforcement of the provisions of these Regulations will result in unnecessary hardship, and (3) where the spirit of the Regulations will be observed and substantial justice done. “Hardship” refers to circumstances peculiar to the particular property. Financial or economic difficulties, or consequences of actions by the property owner are not “hardships” for zoning purposes.

D. Proceeding of the Board of Adjustment.

1. The Board shall select one of its members as chairman and shall adopt rules necessary to conduct affairs in keeping with the provisions of these Regulations. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. Meetings shall be open to the public.

E. Procedures for Variance Requests

1. Any person may submit an application for a variance to the Board of Adjustment as provided by the rules of the Board by filing the application with the Permit Officer.
2. The Application for Variance must specifically set forth the grounds for requesting the variance, as indicated on the Application form.
3. The Board shall fix a reasonable time for the hearing on the variance request, publish notice of the hearing in a newspaper of general circulation at least seven days prior to the hearing and shall notify by mail the person requesting the variance.
4. At the hearing any party may appear in person, or be represented by agent or attorney.

F. Requirements Governing Granting of Variances

1. To grant a variance the Board must make a finding that the granting of the variance will be in harmony with the general purpose and intent of these Regulations, will not be injurious to the neighborhood, is the minimum variance that will make possible the reasonable use of the land, building or structure, and will not be detrimental to the public welfare.
2. In addition the Board must determine:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - b. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of these Zoning Regulations.
 - c. That the special conditions and circumstances do not result from the action of the applicant.
 - d. That granting the requested variance will not confer on the applicant any special privilege that is denied by these Regulations to other lands, structures, or buildings in the same district.
3. Under no circumstances may the Board of Adjustment grant a variance that would allow a use not permissible under the terms of these Regulations in the district involved, or any use expressly or by implication prohibited by the terms of these Regulations in the district
4. Neither the non-conforming use of neighboring lands, structures or buildings in the same district, nor the permitted or non-conforming use of lands, structures or buildings in other districts are grounds for the issuance of a variance.

G. Procedures for Hearing and Acting on Appeals from Zoning Permit Officer

1. The Board of Adjustment shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by any administrative official or body in the enforcement of the Zoning Regulations.
2. Any person or any officer of the county government may file a notice of appeal of any decision made by an administrative person or body within 60 days of date the subject decision was made. The notice of appeal, submitted to the Permit Officer, must comply with the rules adopted by the Board of Adjustment.
3. The Permit Officer shall promptly transmit to the Board of Adjustment the notice of

appeal and all papers constituting the record of the subject decision.,

4. The Board of Adjustment shall fix a reasonable time for a hearing of the appeal, give public notice and notify the affected parties. At the hearing any person may appear in person or be represented by agent or attorney.
5. The Board of Adjustment, in conformity with the provisions of these Zoning Regulations, may reverse, affirm, wholly or in part, or modify the order, decision or action appealed and may make such order, decision, or action as deemed necessary, and to that end shall have the powers of the administrative official whose action is appealed.

H. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be ordered by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and for due cause.

I. Appeals from Decisions of the Board of Adjustment

Appeals from decisions of the Board of Adjustment may be made in accordance with 76-2-327 and 76-2-328 MCA.

1. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, or any officer or department of the county government may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision of the Board.
2. Upon presentation of such petition the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which may not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
3. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.
4. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions

of law. Such evidence shall constitute a part of the proceedings upon which the determination of the court will be made. The court may reverse or affirm, wholly or partly, or may modify the decision up for review.

5. Costs shall not be allowed against the Board unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

SECTION 11. AMENDMENTS

A. Initiation

Proposals to amend, supplement, modify or repeal any of the provisions or the district boundaries established by this Zoning Resolution or hereafter established, may be initiated by the Board of County Commissioners, the Zoning Commission, or by petition of any interested resident or property owner. Such a petition shall be submitted to the Board of County Commissioners through the Zoning Commission, which shall review the petition, consider its merits and make a recommendation to the County Commissioners.

B. Requirements for Map Amendments

1. In addition to an accurate and completed amendment application any petition to amend a zoning classification shall include a current map drawn to scale showing all parcels of land included in the petition and the name of the owner of each parcel certified by the County Tax Assessor from the records of his office.
2. A legal description of the property for which a petition to amend a zoning classification is requested shall be included in such petition.

C. Public Hearing Required

1. The Zoning Commission shall hold public hearings on proposed amendments, and interested parties and citizens shall have an opportunity to comment at the hearing. Notice of the time and place of the hearing shall be published in the local newspaper at least 15 days prior to the hearing.
2. If the proposed changes involves an amendment to the Official Zoning Map notice of the hearing shall be mailed to all property owners within the affected area and all owners of property within 150 feet of the affected area.
3. After the hearing(s) the Zoning Commission shall make a recommendation to the Board of County Commissioners.
4. After the Zoning Commission makes its recommendation, the Board of County Commissioners shall hold a public hearing on the issue after giving notice in accordance with the procedures above.

5. When a proposed amendment affects the zoning classification of property, and a protest against such change is signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent, within 150 feet, the amendments may not become effective except by the favorable vote of the Board of County Commissioners.

SECTION 12. SCHEDULE OF FEES

- A. The Board of County Commissioners, with recommendations from the Planning Department and Zoning Commission, shall establish a schedule of fees and charges and a collection procedure for zoning permits, conditional use permits, variances and zoning amendments.
- B. Until all applicable fees and charges have been paid in full, no action may be taken on any application or appeal.
- C. Fee Summary:
 1. Zoning permit
 - (a) Single-family residential
 - (b) All other
 2. Conditional Use Permit
 3. Zoning Amendment
 4. Variance (Bd. of Adjustment)
 - (a) Single-family residential
 - (b) All Other

SECTION 13. VIOLATION OF ZONING RESOLUTION; PENALTIES

- A. Whenever a violation of this Zoning Resolution occurs or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the causes and basis of the violation, shall be filed with the Permit Officer. He shall properly record the complaint and immediately investigate and take action as provided in these Zoning Regulations.
- B. Penalties
 1. Violation of the provisions in the Zoning Regulations of the Zoning Resolution or failure to comply with any of the requirements, including violation of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the requirements for conditions imposed by the Board of County Commissioners, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each offense or imprisoned not more than six months, or both, and in addition shall

pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and be punishable as such (76-2-315, MCA).

2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists, or maintains such violation may be found guilty of a separate offense and suffer the penalties specified above.
3. Nothing set forth in this section shall prevent the Board of County Commissioners from taking other lawful action as is necessary to prevent or remedy any violation.

SECTION 14. SEPARABILITY CLAUSE

Should any section or provision of this Zoning Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

ARTICLE II. GENERAL REQUIREMENTS

The provisions of this Article shall apply to all lands, uses and structures subject to these Zoning Regulations of the Ravalli County Zoning Resolution.

SECTION 15. NONCONFORMING LOTS, LANDS, USES AND STRUCTURES

A. Purpose

1. Within the districts established by these Regulations, lots, structures, and uses of lands and structures may exist which were lawful at the time the Resolution was adopted or amended, but which would be prohibited or regulated under the terms of these Regulations or future amendments. The intent of this Section is to permit these nonconformities to continue until they are removed, but not to encourage their survival. These Regulations further intend that nonconformities shall not be enlarged, expanded or extended, nor be grounds for adding other structures or uses prohibited elsewhere in the same district.
2. Nonconforming uses are declared by the Zoning Resolution to be incompatible with permitted uses in the same district. However, to avoid undue hardship, nothing in the Resolution shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Lots of Record

1. In any district, notwithstanding other limitations imposed by these Regulations, structures permitted in a district may be established on any single lot of record on the effective date of this Zoning Resolution. A lot or record that does not meet lot area requirements must meet all other requirements of the district.
2. These Regulations may not deprive a person of all reasonable use of his property. A particular lot may be nonconforming to area requirements but may still be used for any use permitted in these Regulations.

C. Nonconforming Uses of Land and Structures

1. Where, at the time of passage of the Zoning Resolution, a lawful use of land or a structure exists which would not be permitted by the Zoning Regulations imposed by the Resolution, the use may be continued where it remains otherwise lawful, provided:

2. A nonconforming use may not be enlarged or increased, nor extended to occupy a greater area of land or structure than was occupied on the effective date of adoption or amendment of this Resolution.
3. No nonconforming use may be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the effective date of adoption or amendment of this Resolution.
4. Should any nonconforming use cease for any reason for a period of more than one year, any subsequent use of the land or structure shall conform to the Regulations specified by this Resolution for the district in which such land is located.
5. No additional nonconforming structure shall be erected in connection with such nonconforming use of land or structures.

D. Nonconforming Structures

Where a lawful structure exists on the effective date of adoption or amendment of this Resolution but becomes nonconforming under the terms of the Zoning Regulations by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued, provided it remains otherwise lawful, subject to the following provisions:

1. A nonconforming structure may not be enlarged or altered in as way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should a nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be recon structured except in compliance with the provisions of the Zoning Regulations.
3. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Nothing in this Resolution shall be deemed to prevent the routine repair and maintenance of a nonconforming structure.
5. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any officials charged with protecting the public safety, upon order of such official.

E. Nonconforming Manufactured Homes

1. A manufactured home which lawfully exists on the effective date of this Resolution, but which becomes nonconforming under this Resolution, shall be allowed to continue for a 10-year phase-out period, after which the manufactured home must be removed from the premises or, where applicable, brought into conformance with the requirements.
2. Where a nonconforming manufactured home is occupied at the date of expiration of the 10-year phase-out period, the county must ensure that a suitable affordable site is available for relocating the manufactured home, or that an alternative affordable housing unit is available for the occupant before requiring the relocation of the nonconforming manufactured home.

SECTION 16. HOME OCCUPATIONS

A. Requirements for Permitted Home Occupations

A home occupation may be conducted as a secondary use in a dwelling, provided that:

1. The use of the dwelling for the home occupation clearly must be incidental and subordinate to its use for residential purposes, and not more than 25% of the floor area of the dwelling may be used in the conduct of the home occupation.
2. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding six square feet in area, non-illuminated, and mounted flat against the wall of the principal structure.
3. No traffic may be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street. No home occupation, or any required parking for the home occupation, shall use the parking space required for the residence.
4. No vehicles, except those normally used as passenger vehicles, will be used for the home occupation unless stored or parked elsewhere.
5. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable by normal senses off the lot.
6. Any equipment or materials used in connection with a home occupation shall be stored within the principal structure or in an enclosed space outside of the principal structure.

B. Procedures for Permitting a Home Occupation

Any person considering the establishment of a home occupation must submit an application to the Permit Officer under the procedures specified in Section 8, Procedures for Application, Reviewing and Granting Permits.

C. Home Occupations Allowed as Conditional Uses

Where a proposed home occupation would not conform to any of the conditions specified in A. above, the home occupation must be reviewed as a conditional use under the procedures of Section 9, Conditional Use Permits; Exceptions.

D. Special Provision for Home Occupations

These Zoning Regulations can allow home occupations that have low impact regarding traffic, noise, dust, smoke or light as a right under reasonable requirements, rather than require conditional use permits or special exceptions. These Regulations allow home occupations with low impact as permitted use. Those home occupations that have greater potential for impacts may be allowed as conditional uses.

SECTION 17. SUPPLEMENTAL DISTRICT REGULATIONS

A. Purpose

Supplementary district regulations are intended to govern miscellaneous issues relating to uses or conditions that occur in more than one district

B. Visibility at Intersections

On a corner lot in any district, for a distance of 50 feet from the point of intersection along each street, nothing may be erected, placed, planted, or allowed to grow in a manner that would impede the visibility of vehicles entering the intersection.

C. Fences, Walls and Hedges.

Unless other provisions of these Zoning Regulations specify otherwise, fences, walls, hedges and other landscaping are permitted in residential front yards provided that they are no higher than six feet, but subject to the visibility restriction in B. above.

D. Structures to Have Legal and Physical Access

Every principal building erected or placed on a lot in any district shall have legal and physical access to a public, other than an alley, or an approved private street or roadway, and all structures shall be so located on lots as to provide required off-street parking and safe and convenient access for emergency vehicles.

E. Exceptions to Height Regulations

The height limitations of structures for these Zoning Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances not intended for human occupancy and usually required to be placed above the top level of the roof.

F. Number of Principal Structures on Lot

In any district, more than one housing structure may be permitted on a lot provided that the requirements of these Regulations are met and the Ravalli County Subdivision Regulations are followed.

SECTION 18. OFF-STREET PARKING; LOADING

A. Off-street Parking

1. These Zoning Regulations establish the principal that off-street parking is essential, especially in high density residential districts. Off-street parking helps to prevent congestion and promotes convenience and safety. It alleviates hazards associated with traffic access to businesses, commercial and industrial areas and protects access to residential areas. Off-street parking areas serving multi-family residential developments of more than 10 units, commercial, industrial and institutional uses must comply with the following provisions.
 - a. Grading and Drainage: Off-street parking areas shall be graded and drainage facilities installed to remove surface run-off in a manner that does not adversely affect adjacent properties, streets or surface waters.
 - b. Surfacing: Off-street parking areas may be surfaced with gravel or equivalent material. Parking areas with 20 or more spaces must be hard surfaced
 - c. Screening: Where an off-street parking area abuts a residential use or zoning district, the parking shall be effectively screened at the property line(s) by an acceptably designed sight-obscuring wall, fence, or planting screen.
 - d. Lighting: Cut-off lighting must be used in the parking area.

B. Off-street Loading

The intent of off-street loading requirements is to avoid traffic hazards and minimize congestion on streets and roadways by requiring that off-street loading areas be provided on the same lot as the building served by delivery trucks, and that such areas be adequate in size and number to provide the service needed without affecting adjacent properties. The design of the loading area should include landscaping as in Section 18, below.

SECTION 19. LANDSCAPING

“Landscaping” means any combination of living plants such as trees, shrubs, vines, ground covers, flowers or lawns; and may include materials such as decorative rock, stone and bark, or structural features such as fountains, pools, art work, screens, walls, fences and benches. Landscaping can enhance the visual impacts of large areas of cement or asphalt and can increase the attractiveness of highway commercial or industrial areas.

1. Requirements for landscaping apply for large parking areas typically associated with shopping malls, commercial and industrial centers and housing complexes.
2. Landscaping is required on a minimum of 7% of the hard surface parking area.
3. A minimum of 75% of the required area of landscaping shall consist of living plants, and the remaining 25% may consist of rock, stone, bark, structural features or walkways. Trees shall be the major design element in landscaping or parking areas. A watering or irrigation system shall be installed to sustain the plants in healthy growth. Where appropriate xeriscape plantings and designs are encouraged.
4. Where landscaping is required, landscaping plans must be submitted to the Zoning Commission for approval.

SECTION 20. SIGNS

A. Purpose

Sign regulations are intended to promote and protect the public safety and welfare by regulating existing and proposed outdoor advertising signs and signs of all types. The purpose of this section is protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment and enhance community development. Nothing in this regulation is intended to interfere with constitutional rights related to free speech.

B. Signs Permitted in All Districts Without a Permit

The following signs are permitted in all zoning districts and do not require a permit.

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, and which do not exceed 12 square feet in area, except in all residential districts where the area of the sign shall not be more than six square feet.
2. Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

3. Flags and insignia of any government except when displayed in connection with commercial promotion.
4. Legal notices; identification, information or directional signs erected or required by governmental bodies.
5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
7. Bulletin boards for churches, schools, or other public places, religious or educational institution provided the sign is located a minimum of ten feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersection.
8. Political or campaign signs erected temporarily and removed no later than 15 days following the election.

C. Regulations for On-Site Signs Requiring a Permit

All on-site signs permitted as accessory uses in business and industrial districts require a permit and are subject to the following provisions.

1. Projection: Projection of wall signs may not exceed two feet measured from the face of the building. No wall sign may project above the highest point of the roof structure of the building to which it is attached.
2. Set back: No on-site free standing sign may be closer to the lot line adjacent to a street or roadway than the required minimum set back for the principal uses permitted in the district. No sign may be erected or placed closer than 50 feet from a side or rear lot line abutting a residential district.
3. Roof signs: No sign may be placed on the roof of any building.
4. Moving devices: No sign or part thereof may contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar devices. Devices such as strings of lights may not be used for the purpose of advertising or attracting attention.
5. Lighting: An illuminated sign or lighting device may emit only light of constant intensity, and no sign may be illuminated by or contain flashing, intermittent, rotating, or moving lights. An illuminated sign or lighting device may not be placed or directed so that the beams and illumination therefrom causes glare or reflection that may constitute traffic hazard or nuisance. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions

of the state electrical code.

6. Height: No free standing sign shall exceed 30 feet in height.
7. Height clearance: Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet.
8. Number of signs permitted: In business and industrial districts, each use is permitted one wall sign. In addition, one free standing sign is permitted for each building, regardless of the number of businesses or industrial uses conducted in the building.
9. Permitted surface area: The total surface area of all signs is limited to two square feet of sign for each lineal foot of front width of the business or industrial building, provided that the maximum total surface area for all signs does not exceed 100 square feet

D. Regulation of Off-Site Signs Requiring a Permit

1. Set back: No off-site free standing sign may be set closer to the lot line adjacent to a street or roadway than the required minimum set back for the principal uses permitted in the district. No sign may be erected or placed closer than 50 feet from a side or rear lot line abutting a residential district.
2. Lighting: Any illuminated sign or lighting device may employ only light emitting a light of constant intensity, and no sign may be illuminated by or contain flashing, intermittent, rotating, or moving lights. An illuminated sign or lighting device may not be placed or directed so that the beams and illumination therefrom cause glare or reflection that may constitute a traffic hazard or nuisance. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the state electrical code.
3. Area: No off-site sign may exceed 32 square feet in area
4. Height: No off-site sign shall exceed 35 feet in height as measured from the normal grade at the sign.

E. Regulations for Temporary Signs Requiring a Permit

Temporary signs may not exceed 50 square feet in area and maybe erected for a period of 60 days plus the construction period.

SECTION 21. PLANNED UNIT DEVELOPMENT (PUD)

A. Purpose

The purpose of this section is to allow, with adequate review, flexibility in design of

developments that do at least several of the following:

1. Encourage development with mixed uses, particularly a variety of housing types and densities.
2. Create or preserve usable open space and recreation areas.
3. Preserve the natural characteristics of the land including topography, native, vegetation and scenic views.
4. Avoid construction in unsuitable areas.
5. Encourage creativity in design, including flexibility in residential siting to achieve energy conservation.
6. Allow efficient provision of streets, roadways, utilities and other services.
7. Provide lower cost housing affordable by low and moderate income families within the community.

B. Definition

A planned unit development (PUD) is a land development project designed and planned as a single entity under a plan that offers a variety of land uses, housing types and densities, and design features in addition to those allowed by right or as a conditional use in the zoning district.

C. Application and Review

1. Any person requesting approval of a planned unit development shall submit an application for conditional use under the provisions of Section 9, Conditional Use Permits; Exceptions, of these Regulations. The application shall be accompanied by the required fees and a PUD plan, described below.
2. A vicinity map showing the location of the site in relationship to surrounding areas and showing the existing land uses and zoning of the site and surrounding properties.
3. A map drawn to scale and showing the following:
 - a. Location, types and heights of existing and proposed buildings and other structures, including density and number of dwelling units or other uses of each structure.
 - b. Existing and proposed streets, roadways, alleys, bikeways, pedestrian walkways, and vehicle circulation patterns, and off-street parking areas.
 - c. Locations, dimensions and sizes of common and open space, parks, and a landscaping plan showing areas to be landscaped and those that will be left in a natural state.

- d. Physical features such as streams, ponds, wetlands, riparian areas, rights-of-way and utilities.
- 4. A written statement describing:
 - a. A schedule for installing improvements, developing lots and constructing structures.
 - b. Proposed types of ownership of dwellings and other uses, and restrictive covenants, if any.
 - c. Means of providing maintenance of common facilities, parks, and open space areas.
- 5. A PUD will be reviewed and approved under the procedures for conditional uses pursuant to Section 9, Conditional Use Permits; Exceptions, of these Regulations. Where the proposed PUD is subject to review as a subdivision under the Montana Subdivision and Platting Act, the Zoning Commission and/or Planning Board shall hold a review and public hearing. Notice of such a hearing shall be given in a manner prescribed by these Zoning Regulations.
- 6. A PUD must conform to the conditions prescribed by the Zoning Commission pursuant to Section 9 of these Regulations.

ARTICLE III. DISTRICTS ESTABLISHED

Within Ravalli County zoning districts are hereby established and are shown on the Official Zoning Map described in Section 4 of these Zoning Regulations. Section 22 and all following sections through to the end of these Regulations set forth the specific requirements which must be met by any proposed building, structure or use located within each district.

SECTION 22. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty may exist as to the location of district boundaries as shown on the Official Zoning Map, the following rules shall apply in interpreting the nearest logical line to that shown.

1. Boundaries shall be constructed as following the centerline of streets, roadways, highways or alleys.
2. Boundaries shall be constructed as following the centerline of streams, rivers, major canals and ditches.
3. Boundaries shall be constructed as following a line midway between the main tracks of a railroad right-of-way.
4. Boundaries shall be constructed as following platted lot lines.
5. Boundaries shall be constructed as following the boundaries of an incorporated city limits.
6. Boundaries shall be constructed as parallel to or extensions of features indicated on the Official Zoning Map.
7. Where physical or cultural features existing on the ground are different from those shown on the Official Zoning Map, or where circumstances arise not covered by the rules above, the Board of Adjustment shall interpret the district boundaries.
8. The requirements for zoning districts will be tailored to individual communities' area and will recognize a community's uniqueness in uses allowed and prohibited and developmental standards.
9. Establishment of zoning districts will recognize and follow the Ravalli County Growth Policy. Districts are to be based upon existing land use and anticipated growth throughout the county.

SECTION 23. DISTRICTS

The following Zoning Districts are established.

1. RD 1. Residential District with a dwelling unit density of one per five acres (1/5 a.).
2. RD 2. Residential District with a dwelling unit density of five per one acre (5/1 a.).
3. RD 3. Residential District with a dwelling unit density of 20 per one acre (20/1 a.).
4. C-P. Commercial - Professional.
5. C-LB. Commercial - Light Business
6. H-C. Highway Commercial.
7. I. Industrial.
8. AG. Agricultural.
9. AG-R. Agricultural with allowed average dwelling unit density of one per 40+a. (1/40+a.).
10. PSI. Public: schools, institutional buildings, federal or other extensive facilities.

SECTION 24. LOW DENSITY RESIDENTIAL RD 1 (1/5 a.).

A. Purpose.

This district is intended to provide for development in a more rural area which typically only includes one single family dwelling. At a dwelling density of one unit per five acres or more it accommodates those land uses which allow a small number of livestock and that is at the same time not large enough to be classified as AG or AG-R. The county has existing residential single family ownerships with horses, sheep, llamas or other animals but the individual dwelling unit acreage is not large enough to produce agricultural products or substantial income. The density of this district is compatible with existing neighborhood development.

B. Permitted Principal Uses.

1. Single family dwelling constructed on the site or assembled as a modular home but not including manufactured homes.
2. Gardens, orchards, with produce sales to stores, markets, etc., permitted.
3. Corals and buildings to accommodate a small number of livestock, providing this use is in keeping with the current land use.

C. Conditional Uses

The following uses must comply with the additional conditions specified below. Approval of

these conditional uses must be obtained from the Zoning Commission under the provisions of Section 9, Conditional Use Permits; Exceptions.

1. **Manufactured Homes.** Class A manufactured homes may be conditionally permitted as a matter of right. Existing use can permit a reasonable number of manufactured homes within district RD-1.
2. **Home Occupations not conforming to Section 15. A.** Conditions can be specified by the Zoning Commission pursuant to Section 16.
3. **Planned Unit Development.** A waiver may be sought from district requirements in accordance with requirements of Section, 21, Planned Unit Development. Considerations must be given to the following if the PUD contain residences.
 - a. It must include open space design and layout and yard areas.
4. There must be privacy for residents and safety from street or roadway traffic.
5. Safe entry for emergency vehicles.
6. Off-street parking.
7. Placement of structures shall take into consideration topography, privacy, building height and orientation and aesthetics.

D. General Requirements

Except for existing lots of record which, because of ownership, cannot be reassembled to conform to these requirements the following restrictions apply.

1. **Single family dwelling:** Each lot must be at least five acres in size. The dwelling shall be set back from the principal access roadway at least 200 feet, if practical.
2. If the lot is not supplied with a public water and sewage system the location of on site well and septic system must conform with county sanitation and health standards.
3. The maximum heights of the dwelling and other structures shall be less than 35 feet.
4. Satellite dishes and radio towers are permitted if they are compatible with similar uses in the neighborhood.
5. Keeping animals, generally considered as livestock, must conform with similar uses in the neighborhood.
6. Non-illuminated signs of a maximum of eight square feet in area are permitted.

SECTION 25. MEDIUM DENSITY RESIDENTIAL. RD 2 (5/1 a.).**A. Purpose**

The purpose of this district is to recognize the existing residential neighborhoods of the community as well as those areas which are deemed appropriate for residential expansions. A variety of residential types, including multiple family and manufactured homes, will be accommodated to provide a balance of housing types within the community. It is intended that this district be maintained and expanded to preserve the residential attractiveness in a mixed use atmosphere.

B. Permitted Principal Uses

1. Single-family dwellings: constructed on site, assembled as modular homes and Class A manufactured homes.
2. Class B manufactured homes under the special provisions of Section E below.
3. All manufactured homes in manufactured home parks.
4. Multiple-family dwellings.
5. Where licensed by the Montana Department of Health and Environmental Sciences or Department of Family Services - group homes serving disabled persons, half-way houses providing drug or alcohol rehabilitation, adult foster family-care facilities, and group day-care homes.
6. Youth foster homes or youth group homes.

C. Conditional Uses

The following uses must comply with the additional conditions specified below. Approval of these conditional uses must be obtained from the Zoning Commission under the provisions of Section 9, Conditional Use Permits; Exceptions.

1. Manufactured home parks. These are recognized as providing affordable housing.
 - a. Must conform to manufactured (mobile) home park requirements in Ravalli County Subdivision Regulations.
 - b. Class B manufactured homes must have either a permanent foundation or with anchors and skirting and the tongue and wheels must be removed.
 - c. Class C units, built prior to July 1, 1976, and not meeting the HUD Code, are only allowed in manufactured home parks.

2. Planned Unit Developments Containing Residences.

- a. Those PUDs that seek waivers from district requirements, in accordance with the requirements in Section 20.
- b. PUDs can provide planned open space with proper design and layout.
- c. Ensures privacy and safety for residents.
- d. Provides for off-street parking and access for emergency vehicles.
- e. Placement of housing units must consider topography, building height (maximum of 35 feet), orientation, drainage and aesthetics.

3. Home Occupations Not Conforming to Section 16, A. Conditions will be specified by the Zoning Commission pursuant to Section 9, B.

D. Special Provisions For Class B Manufactured Homes

1. Each manufactured home must be:
 - a. Placed on a permanent masonry foundation or
 - b. Provided with anchors and cable tie downs for securing the home, and
 - c. Skirted, entirely enclosing the bottom section within 60 days after placement. Skirting must be of materials compatible with the siding of the home.
 - d. Made attractive with the tongue removed or covered.

E. Yard Requirements

Each lot shall have the following yard requirements. Existing conditions may make these impossible. The Zoning Commission can be consulted.

1. Each dwelling unit fronting on a street or roadway must have a front yard of at least 25 feet.
2. Corner lots will have two front yards each of 25 feet depth.
3. Side yards or rear yards are permitted.
4. Rear garages are permitted.
5. Structures can not be built closer than 10 feet from the neighboring lot line.

F. Satellite Dishes and Radio Antennas (Towers)

These are preferably placed in the rear yard or attached to a building. They can be attached to the dwelling or other structure providing they do not extend above the highest point of the roofline.

G. Structures and Lots

Except for existing lots of record which, because of ownership, cannot be reassembled to conform to these requirements, the following are required.

1. Because RD 2 permits as many family dwelling as five per acre there is considerable leeway as to the actual square foot size of each dwelling. Developers should realize that neighborhood designs and consistency in structures will allow the medium density as a means of promoting uniform communities close to towns and services.
2. Multiple-family dwellings are permitted. These may be town houses and condominiums or a mixed community where light service facilities such as a cafe, a hairdresser or similar uses can be approved by the Zoning Commission.
3. Maximum building height will be 35 feet.
4. Provision must be made for off-street or roadway parking.
5. For residential and light service advertising non-illuminated signs of eight square feet are permitted.

SECTION 26. HIGH DENSITY RESIDENTIAL RD-3 (20/1 a)

A. Purpose

This district is designated as high density in order to accommodate dwellings concentrated within an area which has critical infrastructure such as water, sewer, adequate streets and roadways, schools, and other public facilities.

B. Permitted Principal Uses

1. Single and multiple-family dwellings such as town houses and condominiums.
2. Residential and light businesses such as a coffee shop, community center, park, day care center and postal service.
3. Locations of the light businesses and the layout of the residential areas are to be integrated into a design that promotes a “sense of community.”

C. Restrictions and Requirements

1. Provision for off-street is mandatory.
2. The maximum building height is 45 feet.
3. Where public water and sewer service is available no minimum lot size is required.
4. The dimensions of front and rear yards may vary and will be determined by the Zoning Commission.
5. Any building or structure must be at least 10 feet from the rear property line.
6. Non-illuminated signs of eight square feet are permitted.
7. The existing and future character of the community must be considered in the overall design of the development.

SECTION 27. COMMERCIAL - PROFESSIONAL DISTRICT C-P

The designation of this district is to accommodate the existing land uses where facilities such as dental offices, veterinary clinics and health facilities are located. The following restrictions apply.

1. All new structures and lots in this district must be approved by the Zoning Commission.
2. A new structure must be setback from the main roadway to provide for adequate parking. For veterinary clinics provision must be made for turnaround of large animal trailers.
3. The lot size of new C-P units can be varied depending upon the type of professional activity. In the case of veterinary clinics there may be several acres for corals and buildings.
4. Location C-P operations must be in keeping with the existing and any proposed land uses in the neighborhood.

SECTION 28. COMMERCIAL - LIGHT BUSINESS C-LB

This district is to recognize the existing land uses that are scattered throughout the county and usually adjacent to or at street or roadway intersections. These usually include gasoline and diesel service stations, convenience stores, drive-up or drive-ins, grocery stores and banks. The following restrictions apply for the creation of new C-CB operations.

1. A setback from a roadway must be at least 100 feet.
2. An adequate parking area, hard surfaced, must be of a size to accommodate patrons.
3. A building height of 30 feet is permitted providing there is no obstruction of views from

any roadway.

4. Landscaping is required, see Section 18.
5. Ingress and egress from any roadway must be approved by the Ravalli County Road and Bridge Department.
6. Illuminated signs are permitted. Flashing signs are not permitted. No signs are to be higher than the peak height of the roofline on the highest building. Permission to use signs larger than eight square feet are to be obtained from the Zoning Commission.

SECTION 29. HIGHWAY COMMERCIAL H-C

A. Purpose

This district is intended to accommodate the business and light industrial uses which have operations that require space and access to the major transportation facilities serving the community. The district should accommodate these uses while preserving the traffic carrying capacity of the road system, and the desirability of abutting land for residential development.

B. Permitted Principal Uses

The following uses are permitted within this district. The listing is not all inclusive.

1. Amusement centers and recreational facilities in enclosed buildings.
2. All uses pertaining to automobile and truck sales, service and repair, and where it is most likely to have service stations and car washes.
3. Building equipment and materials, wholesale and retail, including storage yards.
4. Laundry and dry cleaning establishments.
5. Fraternal clubs, meeting halls, arenas, motels and convention centers.
6. Police and fire stations.
7. Retail and wholesale sales, service and repair, including mobile homes, travel trailers and recreational vehicles, farm machinery and agricultural products.
8. Restaurants, bars, casinos, taverns, night clubs.
9. Storage yards, warehouses and public and private utilities.
10. Hospitals, clinics and post offices.

C. Conditional Uses

The following uses must comply with the additional conditions specified below. Approval of these conditional uses must be obtained from the Zoning Commission under the provisions of Section 9, Conditional Use Permits; Exceptions.

1. Recreational vehicle park.
 - a. Streets shall be at least 10 feet wide or conform with the Ravalli County Road and Bridge Department regulations.
 - b. The design of the park must provide for safe and convenient access and placement and removal of trailers and vehicles.
 - c. Approved fire equipment must be on the premises.
 - d. R-V vehicles must be separated from each other by at least 15 feet
 - e. All R -V spaces shall be located at least 25 feet from a public street or roadway.
2. Shopping center. Conditions are specified by the Zoning Commission pursuant to Section 9, B 4. They must also comply with any other County Resolutions in effect.

D. Accessory and temporary uses.

1. Accessory buildings and uses incidental to the principal uses.
2. Temporary buildings or structures used for and during construction or grading.
3. Temporary signs.
4. Temporary use of open land for meetings, circuses, carnivals.
5. Sale of Christmas trees, baked goods, clothing or like products where no permanent structure is erected.

E. Lot area.

1. Where public water and sewer is available, no minimum lot size is required.
2. Where Montana Department of Health and Environmental Sciences approval is required, that agency shall determine lot size.
3. Where neither of the above conditions apply, the minimum lot size shall be one acre. 38

F. Height Requirements

No building or structure may exceed 45 feet in height.

G. Yard requirements

1. Front yard - a front yard of at least 30 feet shall be provided on all road frontages.
2. Side yard - side yards abutting interior lot lines shall be at least 10 feet.
3. Rear yard - a rear yard of at least 10 feet shall be provided.

H. Off street parking; off street loading.

Both must comply with provisions in Section 18.

I. Signs

Signs within this district shall comply with provisions of Section 20.

J. Access onto public roads

Approaches onto public roads and highways shall:

1. Be at least 32 feet wide.
2. Have a grade of six percent or less.
3. Be at least 125 feet apart. The centerline of approaches from properties on opposite side of a public road shall be aligned at the same point on the public road.

K. Grading and drainage.

1. The site shall be graded and appropriate drainage facilities installed to remove surface run-off waters in a manner that will not affect adjacent or nearby properties, streams or public roads.
2. Culverts, curbs, gutters, ditches and other drainage facilities shall be installed to assure that approaches, parking areas and other traffic facilities do not obstruct drainage facilities or adversely affect public road and traffic facilities.
3. Culverts and bridges shall be large enough to accommodate potential run-off from upstream drainage areas.
4. Curbs and gutters or swales shall be required according to the character of the area, density of development, and nature of adjoining properties and public streets.

5. Approval of the Ravalli County Road and Bridge Department shall be obtained.

L. Screening and Buffering.

Where a non-residential use in this district abuts a residential or institutional use, the use shall be effectively screened at the property line on all sides which adjourn or face the residential district or institutional use by an acceptably designed, sight obscuring wall, fence or planting screen. The fence, wall or planting screen shall be not less than four feet nor more than six feet in height and shall be maintained in good condition. Where terrain or other natural features effectively serve as a screen, no wall, fence or planting screen is required.

M. Fencing

The following must be protected by a fence not less than six in height: (1) outdoor storage of materials or equipment, (2) above ground storage of flammable liquids, gasses, or other material, and (3) electrical substations, gas regulator stations and microwave reflectors.

N. Lighting

Lighting must be shielded to avoid casting direct light on adjacent residential uses or institutional uses providing human care.

SECTION 30. INDUSTRIAL (I)

A. Purpose

This district is intended to provide for efficient and functional operation of heavy fixed equipment or machinery, manufacturing, processing, and other industrial uses in appropriate locations. Industrial uses which produce noise, smoke, dirt, vibration, glare or similarly obtrusive nuisances shall be regulated to minimize the impact on the public health and safety. These activities generally require reasonable access to major transportation facilities, need extensive open storage and service areas and generate heavy traffic. To help ensure efficiency and function of industrial uses, protection from incompatible residential and commercial uses is necessary.

B. Permitted Uses.

1. All uses associated with operations of railroads.
2. Automobile, truck, farm machinery, heavy equipment repair.
3. Agricultural products processing, storage, loading; grain elevators.
4. Cement, concrete and paving products, including mixing plants.
5. Freight terminals, truck or rail.

6. Industrial laboratories.
7. Manufacturing or processing:
 - a. Products from organic material, chemicals, glass, leather, metal, minerals, stones, gravel, sand or earth.
 - b. Foodstuffs, textiles, electrical and plumbing components, wood, leather, paper or plastic.
8. Fabrication or assembly of products from pre-structured materials or compounds.
9. Signs, billboards.
10. Storage yards.
11. Utilities
12. Welding, sheet metal shops, steel products fabrication.
13. Warehousing.

C. Conditional Uses

The following uses must comply with the additional conditions specified below. Approval of these conditional uses must be obtained from the Zoning Commission under the provisions of Section 7, B.

1. Meat packing, processing, rendering plants:
 - a. Any building or structure used to retain animals or process animal products must be at least 300 feet from a residential district or institutional use.
 - b. A solid fence at least eight feet high must enclose the use, or a screen of evergreen trees or shrubs at least eight feet high at maturity must be planted. The fence or screen must be maintained.
2. Auto wrecking, scrap, salvage yards:

A solid fence at least eight feet high must enclose the use or a screen of evergreen trees or shrubs at least eight feet high at maturity must be planted. The fence or screen must be maintained.
3. Bulk storage of flammable liquids or gases or other hazardous materials above ground:

All uses set back 300 feet from a lot line or roadway.

D. Accessory and Temporary Uses Permitted

1. Accommodations for caretakers, watchmen and custodians.
2. Outdoor storage of merchandise or inventory.
3. Temporary buildings or other structures for and during construction or grading.
4. Use of open land for meetings, circuses or carnivals.
5. Sale of Christmas trees, baked goods, clothes, or like products where no permanent structure is erected.

E. Lot Area

1. Where public water and sewer service is available, no minimum lot size is required.
2. Where Montana Department of Health and Environmental Sciences approval is required, that agency shall determine lot size.
3. Where neither of the above conditions apply, the minimum lot size shall be one acre.

F. Yard Requirements

1. Front yard - a 50-foot front yard must be provided along any street or roadway frontage.
2. Side yard - side abutting interior lot lines must be at least 25 feet.
3. Rear yard - rear yards must be at least 20 feet.

G. Height Requirement

There is no maximum height limitation.

H. Off-street Parking; Off-street Loading

Off street parking and off-street loading facilities must comply with Section 18.

I. Signs

All signs shall conform to the provisions prescribed in Section 20.

J. Access Onto Public Roads

1. Approaches onto public roads and highways shall be at least 32 feet wide, have a grade of six percent or less and be at least 125 feet apart.

2. Centerline of approaches from properties on opposite sides of a public road shall be aligned at the same point on the public road.
3. The Ravalli County Road and Bridge Department must be consulted on all road designs.

K. Grading and Drainage

1. The site shall be graded and appropriate drainage facilities installed to remove surface run-off waters in as manner that will not affect adjacent or nearby properties, streams or roads.
2. Culverts, curbs, gutters, ditches, swales and other drainage facilities shall be installed to ensure that approaches, parking areas and other traffic facilities do not obstruct drainage facilities or adversely affect public road and traffic facilities.
3. Culverts and bridges shall be large enough to accommodate potential run-off from upstream drainage areas.
4. Curbs and gutters or swales shall be required according to the character of the area, density of development, and nature of adjoining properties and public streets and roadways.

L. Screening and Buffering

Where a non-residential use or off-street parking area abuts a residential use, the use shall be effectively screened at the property line on all sides which adjoin or face the residential district or institutional use by an acceptably designed sight obscuring wall, fence or planting screen. The fence, wall, or planting screen shall be not less than four feet nor more than six feet in height and shall be maintained in good condition. Where terrain or other natural features effectively serve as a screen, no wall, fence or planting screen is required.

M. Fencing

See Section 28, M.

N. Lighting

Lighting must be shielded to avoid casting light on adjacent residential uses or institutional uses providing human care.

SECTION 31. AGRICULTURAL (AG)

This district comprises existing land use which is entirely devoted to agricultural operations. There are no family dwellings with occupants nor are the dwellings temporarily vacant. The following uses are permitted. Number 7 below is a special exception.

1. All types of farming and ranching operations which are involved in producing a product.
2. Livestock raising and associated operations such as irrigation, filling of the soil, haying, and grain production.
3. Structures for storage of grains, hay and farm equipment.
4. Farm equipment can be parked on the property.
5. Outdoor hay storage.
6. Use of farm chemicals for controlling weeds, fertilizing crops and controlling insects.
7. The owner of the AG property may propose that a certain portion of the property be turned into a conservation easement. Such use must follow MCA 76-6-104 and the Ravalli County Subdivision Regulations.

SECTION 32. AGRICULTURAL WITH LIMITED RESIDENTIAL AG-R (1/40+ a.)

This district is similar to AG with the exception that one or two existing single or multiple family residences are permitted. The district designation recognizes existing family farms and ranches which have permitted residences and an established farming and ranching operation. It recognizes the necessity of protecting and promoting working farms and ranches as set forth in the Ravalli County Growth Policy. The average density of one dwelling unit for at least 40 acres maintains the intent of keeping open space and open land as a desired goal, as stated in the Growth Policy. All of the activities, and the exception, as stated in Section 30, are to be applied to this district.

SECTION 33. PUBLIC DISTRICT: USE TO INCLUDE SCHOOLS, INSTITUTIONAL BUILDINGS AND FEDERAL OR OTHER EXTENSIVE FACILITIES

This district recognizes existing buildings and facilities which serve wide public needs. Existing facilities can be modified, added to, or new units constructed. Proposed new structures and associated facilities, such as playing fields and other recreational areas must be close to existing or proposed infrastructure, such as water, sewer, roads and service facilities. Proposals for all new and additional structures must be reviewed by the Zoning Commission.